

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BERNARD WAITHAKA, on behalf of himself and all others similarly situated,

Case No. C19-1320 RSM

Plaintiffs,

STIPULATION AND ORDER RE:
STAY PENDING RESOLUTION OF
APPEAL

V.

AMAZON.COM, INC., AMAZON
LOGISTICS, INC.,

Defendants.

Plaintiff Bernard Waithaka and Defendants Amazon.com, Inc. and Amazon Logistics, Inc., by and through their undersigned counsel, jointly stipulate and request that the Court stay this action pending the resolution of the appeal presently before the U.S. Court of Appeals for the First Circuit in the matter of *Waithaka v. Amazon.com, Inc., et al.*, No. 18-40150 (D. Mass.), *appeal docketed*, No. 19-1848 (1st Cir. Aug. 30, 2019). In support of this joint stipulation, the parties state as follows:

1. Defendants' deadline to answer or otherwise respond to the Complaint is October 3, 2019. *See* ECF No. 71.

2. The Court's August 28, 2019 Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement sets a September 25, 2019 deadline for the parties' Fed. R. Civ. P. 26(f) conference; an October 2, 2019 deadline to serve initial disclosures pursuant to Fed.

1 R. Civ. P. 26(a)(1); and an October 9, 2019 deadline to file a combined joint status report and
2 discovery plan as required by Fed. R. Civ. P. 26(f) and Local Rule 26(f). *See* ECF No. 64.

3 3. This action was transferred to this Court from the U.S. District Court for the
4 District of Massachusetts on August 20, 2019, after Judge Hillman of the District of
5 Massachusetts granted in part and denied in part Defendants' motion to compel arbitration, or
6 in the alternative, to transfer or stay. Judge Hillman held that Plaintiffs fall within the Federal
7 Arbitration Act's transportation worker exemption, 9 U.S.C. § 1. Defendants have appealed
8 that decision to the First Circuit.

9 4. In the interests of judicial economy and preserving party resources, the parties
10 respectfully request that the Court stay this action pending the disposition by the First Circuit
11 of the presently-pending appeal.

12 Respectfully submitted September 23, 2019.

13 By: s/ Michael C. Subit
14 Michael C. Subit, WWSA No. 29189
FRANK FREED SUBIT & THOMAS LLP
15 Hoge Building, Suite 1200
705 Second Avenue
16 Seattle, Washington 98104-1729
Telephone: (206) 682-6711
17 Fax: (206) 682-0401
msubit@frankfreed.com

18 Shannon Liss-Riordan (*pro hac vice*)
19 Adelaide Pagano (*pro hac vice*)
LICHEN & LISS-RIORDAN, P.C.
20 729 Boylston Street, Suite 2000
Boston, MA 02116
21 Telephone: (617) 994-5800
Fax: (617) 994-5801
sliss@llrlaw.com
apagano@llrlaw.com

22
23 Attorneys for Plaintiff

By: s/ Ryan D. Redekopp
Ryan D. Redekopp, WWSA No. 36853
K&L GATES LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
Telephone: (206) 370-7673
Fax: (206) 623-7022
ryan.redekopp@klgates.com

Richard G. Rosenblatt*
James P. Walsh*
MORGAN LEWIS & BOCKIUS
502 Carnegie Center
Princeton, NJ 08540
Telephone: (609) 916-6600
rrosenblatt@morganlewis.com
james.walsh@morganlewis.com

24 Attorneys for Defendants

25 * *Pro hac vice applications forthcoming*

ORDER

Having reviewed the parties' Stipulation and Proposed Order Regarding Stay Pending Resolution of Appeal, it is hereby ordered that this matter is stayed until the final resolution by the U.S. Court of Appeals for the First Circuit of the matter of *Waithaka v. Amazon.com, Inc., et al.* (1st Cir. No. 19-1848).

DATED this 25th day of September 2019.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE